# IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION ( BAIL ) NO. 2 OF 2007

MR. GURUDAS VASSANT NAIK ....Appellant

Versus

STATE OF GOA THROUGH THE POLICE INSPECTOR, PONDA ....Respondent

Mr.Ryan Menezes,Advocate for the Applicant.

Ms. Winnie Coutinho, Public Prosecutor for the State/Respondent

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Coram:- N. A. BRITTO, J.

Date:- 24th January, 2007

P.C.:-

Heard Mr. Ryan Menezes, the learned Counsel on behalf of the applicant and Ms. Winnie Coutinho, the learned Public Prosecutor on behalf of the State/Respondent.

The applicant is accused who was arrested on 28-12-2006 and since then is in custody. He approached the Sessions Court, Panaji for bail but the learned Sessions Judge was pleased to reject his application vide Order dated 3-1-2007 and as such the applicant has approached this Court, seeking bail.

The allegation against the applicant appears to be that on 28-12-2006 at about 2.45 a.m. the accused set fire to three motor-cycles and two scooters belonging to Shashi V. Naik and his family. Initially, Crime No.217/06 came to be registered against the applicant under Sections 435, 504 and 506(II) I.P.C. There is no dispute that the aforesaid Sections are all bailable. Subsequently a supplementary statement of the said complainant Shashi V. Naik was recorded and in that he stated that the vehicles were parked in the shed. One does not know whether the said shed also caught fire but subsequently Section 436 I.P.C. came to be

added which is non bailable.

It appears that on 26-12-2006 there was another incident between the family of the said complainant Shashi V. Naik and it was alleged that the scooty of the applicant was pushed and he was caught by his shirt, pulled and abused in filthy language and was also assaulted with fist blows and damage was also caused to his scooter. It is also alleged that during the scuffle the applicant had lost his gold chain weighing 11 gms. worth Rs.6000/-. The incident of 28-12-2006 in which the accused has been arrested appears to be a sequel to the previous incident which took place on 26-12-2006.

On behalf of the respondent, it is also stated that the applicant on 27-12-2006 had threatened to show the complainant and this threat was conveyed to Dattu @ Appa, son of Gurudas Naik. It is also stated that after the incident the accused stated to the sentry on duty that no longer he is released from the lock-up he would kill the complainant and his family members and return back in the same lock-up.

Considering the facts and circumstances of the case which initially was registered in relation to bailable offences, the accused could be admitted to bail. The threat could be taken care of by imposing suitable conditions. It also appears from the reply filed that proceeding under Section 107 Cr.P.C. has also been initiated against the said Shashi V. Naik and others and the same are pending. The applicant therefore is hereby admitted to bail. He shall be released upon execution of a bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned J.M.F.C., Ponda and with a further condition that the applicant shall not reside at Tariwada Adapai, Ponda, Goa until the filing of the charge-sheet.

Parties to act on the expedited authenticated copy of the order.

N. A. BRITTO, J.

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